



PATENT
Customer No. 22,852
Attorney Docket No. 7883.0036-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Marvin GUILES et al.) Group Art Unit: 3763
Application No.: 10/617,176) Examiner: Unknown
Filed: July 11, 2003)
For: LEFT VENTRICULAR CONDUITS) Confirmation No.: 3040
AND METHODS FOR DELIVERY)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicants submit the listed documents in view of a provisional double patenting rejection over the present application that was issued in the Office Action dated July 2, 2004 in copending U.S. Application No. 09/534,038. That Office Action, as well

as all of the Office Actions that have been issued and claim amendments that have been filed in Application No. 09/534,038, are being submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement that is not otherwise accounted for, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 24, 2004

By: Susanne T. Jones
Susanne T. Jones
Reg. No. 44,472

Complete if Known

Sheet

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of

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|------------------------|----------------------|
| Application Number | 10/617,176 |
| Filing Date | July 11, 2003 |
| First Named Inventor | Marvin GUILES et al. |
| Art Unit | 3763 |
| Examiner Name | Unknown |
| Attorney Docket Number | 7883.0036-01 |

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

| Examiner Initials | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-------------------|-----------------------|--|---|---|---|
| | | Number-Kind Code ² (if known) | | | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
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| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
|-------------------|-----------------------|---|--------------------------|
| | | Terminal Disclaimer dated November 1, 2004, filed in copending U.S. Patent Application No. 09/534,038; pp. 1-3. | |
| | | Amendment dated November 1, 2004, filed in copending U.S. Patent Application No. 09/534,038, pp. 1-11. | |
| | | Office Action dated July 2, 2004, in copending U.S. Patent Application No. 09/534,038, (13 pages). | |
| | | Amendment dated February 5, 2004, filed in copending U.S. Patent Application No. 09/534,038, pp. 1-9. | |
| | | Amendment and Response to Restriction Requirement dated March 4, 2003, filed in copending U.S. Patent Application No. 09/534,038, pp. 1-10. | |
| | | Office Action dated November 5, 2003, in copending U.S. Patent Application No. 09/534,038, (23 pages). | |
| | | Second Supplemental Amendment dated July 16, 2003, filed in copending U.S. Patent Application No. 09/534,038, pp. 1-2. | |
| | | Supplemental Amendment dated June 20, 2003, filed in copending U.S. Patent Application No. 09/534,038, pp. 1-8. | |
| | | Office Action dated February 4, 2003, in copending U.S. Patent Application No. 09/534,038, (9 pages). | |
| | | Supplemental Preliminary Amendment and Claim of Priority dated August 31, 2000, filed in copending U.S. Patent Application No. 09/534,038, pp. 1-2. | |
| | | Preliminary Amendment dated June 19, 2000, filed in copending U.S. Patent Application No. 09/534,038, pp. 1-6. | |

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|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.